

REMARKS

Claims 1-6, 8-12, and 15-17 are pending and were rejected in an office action mailed on January 16, 2004. After the present amendment, claims 1-6, 8-12, 15-17, and 19-22 are pending, with claim 1 amended and new claims 19-22 added to more particularly recite a desired embodiment.

The recitation "incubated with mammalian host cells from step (a) to obtain binding of the transiently expressed polypeptide on their surfaces" added to the claims via amendment to claim 1 and via claim 22 is supported by the specification, for example from the last line on page 6 through line 7 of page 7. Also see page 15 lines 14-16, which describes incubating cells in the presence of a solid phase and page 16 lines 1-4, which describes incubating previously transiently transfected cells with solid phase. The step of enzymatic cleavage recited in new claim 21 is described, for example, on page 4 line 24. Accordingly, no new matter has been added via amendment.

Applicants and their attorney thank Examiner Wehbe for the telephonic interview on March 11, in which new claims were discussed.

Reconsideration and allowance in view of the amendments and arguments respectfully are requested.

Rejections - 35 USC 112

The Examiner has "maintained in part" a rejection of the claims in view of the recitation "...immunization in step (c), is." In response, applicants have amended this phrase to: "immunization ~~in step (c)~~, is." Reconsideration and allowance respectfully are requested.

Rejections - 35 USC 103

On page 3 to page 7, the Examiner asserts an obviousness rejection. A principal argument is that the claims "are not limited to use of the transiently transfected cells as a support." In response, claim 1 (and claims dependent thereon) has been amended to recite this feature, as discussed during the telephonic interview. The novel use of cells that produce the protein as solid phase in combination with other claim elements provides great advantages, particularly for proteins that are present in small amounts and which are not purified with good recovery easily.

Applicants further note, without wishing to be bound by any one theory for this embodiment of the invention, that direct contact of cells with solid phase provides much improved recovery for some types of proteins. In this regard, it is noted that the claimed invention provides (among other things) an unexpected solution to the problem of obtaining purified protein and tests based thereon, for protein types that are made in very low quantity and/or that are not very stable, particularly after their removal from a cell membrane, either by passing through the membrane or by virtue of normally residing in the membrane. Accordingly, direct binding of cell surface to ligand coated matrix provides enhanced recovery, which is particularly important for these proteins. New claims 20-22 describe this feature.

Reconsideration and allowance in view of the amendment earnestly are requested.

CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to withdraw the remaining rejections against all pending claims. The Examiner is invited to contact the undersigned attorney at 202-912-2195 to resolve any issues, in order to expedite the prosecution of the application.

Respectfully submitted,

March 16, 2004

Date:

Marvin Motzenbocker  
Marvin A. Motzenbocker  
Reg. No.: 34,614  
Customer No. 26633

HELLER EHRMAN WHITE & McAULIFFE  
1666 K Street, NW, Suite 300  
Washington, DC 20006-1228  
(202) 912-2000 (telephone)  
(202) 912-2020 (facsimile)